IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.195/2006
Mitta Lal Meena Vs. District Collector (Supply), Sawai Madhopur

17.04.2007

***Hon'ble Mr. Justice Mohammad Rafiq***

Shri P.S. Sharma for petitioner.

The petitioner has challenged the order dated 22.5.2006 whereby the allotment of Fair Price Shop at Village Pipalwara, Distt. Sawaimadhopur has been made in favour of Rajendra Prasad whereas according to the petitioner, the licence for running the said shop was already granted to the petitioner vide order dated 9.8.2005 passed by the District Collector.

According to the learned counsel

for the petitioner while no specific order cancelling the Fair Price Shop licence of the petitioner has been passed, but such allotment has been superimposed by the subsequent order dated 22.5.2006 whereby the very same fair price shop has been allotted to one Rajendra Prasad. According to the petitioner, this order has been passed pursuant to the order of the Department of Food & Civil Supply dated 2.4.2006 and, therefore, appeal would not be an appropriate remedy.

Having heard the learned counsel for the petitioner and perused the material on record, I find that clause 22 of the Rajasthan Foodgrains & Other Essential Articles (Regulation of Distribution) Order, 1976 provides for

the remedy of appeal against the order of Collector / DSO to the Commissioner. Merely because in the order dated 22.5.06, some reference has been made to the order passed by the department, it cannot be said that the appellant authority would not be competent to hear the matter. The copy of order dated 2.4.2006 having not been placed on record, it is not clear as to what are the nature of directions contained in it, but certainly such order appears to be general in nature and not containing any specific direction regarding disputed shop alone.

I do not therefore find any extraordinary reason to directly entertain the writ petition. However the petitioner shall be at liberty to file

appeal before the Food Commissioner within two weeks who shall upon hearing the petitioner decide the same in accordance with law within three months thereafter.

With these observations, the writ petition is dismissed.

**(Mohammad Rafiq),J.**

**Rs/-**